

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE 1:16 CR 329

JUDGE SARA LIOI

-vs-

DEFENDANT HILLS' MOTION TO
RECONSIDER BOND PENDING
SENTENCING

)

EDWARD R. HILLS, *et al.*

Defendants.

Defendant Edward Hills, hereby moves this Court to reconsideration of the order for remand pending sentencing. A memorandum in support of this motion is attached.

Date: July 31, 2018

Respectfully Submitted,

/s/ Tanya F. Miller

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
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UNITED STATES OF AMERICA,

Plaintiff,

CASE 1:16 CR 329

JUDGE SARA LIOI

-VS-

EDWARD R. HILLS, *et al.*

Defendants.

**MEMORANDUM IN SUPPORT OF
DEFENDANT EDWARD HILLS'
MOTION FOR BOND PENDING
SENTENCING.**

Defendant Edward R. Hills (“Dr. Hills”) hereby requests that this Court release him under 18 U.S.C. § 3143 pending his sentencing. Dr. Hills is neither a flight risk nor someone who poses a danger to the community. This Court previously released him pending trial in this matter and he has been compliant with every condition imposed upon him for the last two years. He has appeared as required at every court proceeding, he has complied with all supervision requests by his pretrial services and has otherwise demonstrated to this Court his ability to comply with the conditions of release. At the very least, there are conditions which could be imposed to reasonably assure this Court that he will not flee or pose a danger to the community.

ARGUMENT

I. BECAUSE DR. HILLS MEETS THE REQUIREMENTS SET OUT IN 18 U.S.C. § 3143(a)(1), HE SHOULD BE RELEASED ON BAIL PENDING SENTENCING

Under section 3143(a)(1), an individual found guilty of an offense shall be detained unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under section 3142 (b) or (c) of the same

title. *See* 18 U.S.C. § 3142(a) (1). Therefore, in order to prevail, the defendant must establish by clear and convincing evidence that he is not likely to flee and that he does not pose a danger to the safety of any individual or of the community. In the case of Dr. Hills, the record clearly supports each of these contentions.

a. Dr. Hills is not a Flight Risk.

With regard to the likelihood of flight, several circumstances should assure this Court that Dr. Hills will make all required court appearances. Dr. Hills is a 58-year-old, United States citizen. He has been a licensed dentist practicing in the State of Ohio since 1993, and he has resided in the Cleveland area continuously since then. Dr. Hills has resided in his Aurora, Ohio home since 2003. Dr. Hills has deep and substantial ties to this community. Dr. Hills has never been arrested, has consistently appeared in court as required during the pendency of this case and has at all times complied with the conditions of his bond and with the requirements of his pretrial services officer.

He is currently a practicing dentist and is part owner of Innovative Dental in University Heights, Ohio. Dr. Hills has three children--his oldest son Edward Hills, III, is 32 years old and lives in the Cleveland area. Edward Hills, III works with his father at Innovative Dental. Dr. Hills' daughter Erika is 23 years old and is a young adult with special needs. Dr. Hills is the primary financial support for his daughter and also provides financially for his 12-year-old son, Ross Hills, who lives in San Francisco, California with his mother.

On October 25, 2016, Judge Baughman issued an order setting the conditions of release for Dr. Hills (ECF No. 13). He was required to post a \$150,000.00 cash bond, and to comply with the following conditions of release, among others: (1) Defendant's travel was restricted to the Northern District of Ohio; (2) no contact directly and/or indirectly with any person who is or may be a victim or witness in the investigation or prosecution, including employees, former and current, of MetroHealth; and (3) Defendant

was required to participate in the home detention component of the location monitoring program and abide by all requirements of the program, which will include location monitoring technology at the discretion of the officer. Dr. Hills has been on pretrial release since October of 2016 and he has at all times complied with all conditions of his pretrial release.¹

There is no basis to believe that, if released, Dr. Hills would flee from his domicile of 25 years and thereby face additional felony charges and substantially more prison time. Such a course would make of a man in his 50s a fugitive (with no passport and without substantial resources) who could escape further imprisonment only by accepting a lifelong banishment from this country. Dr. Hills entire life is in this country, and in this jurisdiction—he will honor this Court's orders as he has done for the last two years.

b. Dr. Hills is not a Danger to the Community.

Dr. Hills has no history whatsoever of criminal convictions or arrests. There is no record of any violent conduct at any time in his life whatsoever. There is no record of any psychological or psychiatric disability nor any sort of drug or alcohol abuse. He is a 58-year old man who asks that he be allowed release so that he may continue to work and provide financially for his children in advance of his sentencing.

The government points to the fact that Dr. Hills has been convicted of Obstruction of Justice and that therefore that mitigates against his release under the statute. While it is true that Dr. Hills has been convicted of Obstruction of Justice, that charge has been pending against him for the last two years while he was awaiting trial. When the incentive to “obstruct justice” was at its highest, Dr. Hills made to efforts to obstruct justice and abided by all conditions of release. At this point, he stands convicted of the charges

¹ Dr. Hills' bond conditions were eventually modified to permit him to travel outside the Northern District of Ohio to meet with undersigned counsel in Atlanta, Georgia, in order to prepare for his trial. He traveled from and returned to the District each time without incident.

against him and there is far less of a danger that any obstructive conduct can take place, since at this time he is awaiting this Court's sentence.

Moreover, the fact that Dr. Hills has no history of violence, coupled with his substantial community ties further assures this Court that he will not pose a danger if released. Accordingly, this Court should find that there is clear and convincing evidence that Dr. Hills is neither a flight risk nor a danger.

CONCLUSION

Dr. Hills is neither a flight risk, nor a danger to the community. All the weight of the evidence in this matter demonstrates that he can and will abide by any conditions of release imposed upon him in this case, as he has clearly shown his ability and willingness to do so. For all of the foregoing reasons, Defendant respectfully requests an order reinstating the previous conditions of his release, or an order fashioning whatever additional conditions the Court requires which are commiserate with his strong ties to this community, lack of criminal history and demonstrated record of compliance with previously imposed conditions of release.

Dated: July 31, 2018.

Respectfully Submitted,

/s/ Tanya F. Miller
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CERTIFICATE OF SERVICE

A copy of the foregoing ***DEFENDANT EDWARD HILLS' MOTION TO RECONSIDER BOND PENDING SENTENCING*** was served through the Court's electronic filing system this 31st day of July, 2018. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system.

/s/ Tanya F. Miller
Attorney for Defendant Edward Hills

